

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 23-cr-20454-JB

UNITED STATES OF AMERICA,

V.

CARL ALAN ZAGLIN, ALDO NESTOR
MARCHENA, AND FRANCISCO
ROBERTO CONSENZA CENTENO,

DEFENDANTS.

**ORDER SETTING CRIMINAL TRIAL DATE,
PRETRIAL SCHEDULE AND INSTRUCTIONS**

The Court hereby sets this case for a **Criminal Jury Trial** at the James Lawrence King Federal Justice Building, 99 NE 4th Street, Courtroom 10-6, Miami, Florida 33132 during the two-week period beginning on **November 4, 2024**. If the case cannot be tried during this two-week period, it will be re-set for each successive trial calendar until the case is tried or otherwise resolved. It is further **ORDERED** that:

1. **CALENDAR CALL:** A Calendar Call will be held at **10:00 a.m. on October 29, 2024** at the same location. Defendants are not required to appear for the Calendar Call.
2. **CONTINUANCES:** A motion for continuance must be in writing and filed at least **five days before the Calendar Call**. A continuance of the trial date will be granted only on a showing of compelling circumstances. Notices of unavailability will not be construed as motions for continuance or otherwise operate to change the Court's schedule.
3. **WRITS:** All requests for writs *ad testificandum* must be filed no later than **fourteen days before the first day of the trial period**.
4. **DISCOVERY:** All responses to the Standing Discovery Order or Local Rule 88.10 shall be provided in a timely fashion in accordance with the dates scheduled by the Magistrate Judge. Noncompliance with the Standing

Discovery Order, the Local Rules, or the Federal Rules of Criminal Procedure may result in sanctions, including the exclusion of evidence.

5. **404(b) EVIDENCE:** Any notice submitted under Federal Rule of Evidence 404(b) shall include a specific factual basis for the evidence the Government wants to introduce.
6. **CONFERRAL WITH OPPOSING COUNSEL:** All motions shall be accompanied by a written statement certifying that counsel for the moving party has conferred with opposing counsel in a good faith effort to resolve by agreement the subject matter of the motion. Email communications are not sufficient to constitute conferral. Counsel must speak to one another, either in person or over the phone, in a good-faith effort to resolve their disputes.
7. **VOIR DIRE:** Counsel may conduct limited *voir dire* after the Court's questioning of the panel. Each party seeking to *voir dire* must file its proposed questions no later than **the Friday before the Calendar Call**.
8. **JURY INSTRUCTIONS:** No later than **the Friday before the Calendar Call**, the parties shall submit, in Word format, via e-mail to becerra@flsd.uscourts.gov, a single set of proposed jury instructions, including substantive charges and defenses, and a verdict form. The parties shall submit their proposed jury instructions and verdict form *jointly*. Where the parties do not agree on a proposed instruction, that instruction shall be set forth in bold type. Instructions proposed only by the Government shall also be underlined. Instructions proposed solely by the defense shall also be italicized. In preparing their requested jury instructions, the parties shall utilize the Pattern Jury Instructions for Criminal Cases approved by the Eleventh Circuit, including the instructions to counsel.
9. **WITNESS AND EXHIBIT LISTS:** No later than **the Friday before the Calendar Call**, counsel shall file lists of proposed witnesses and exhibits. All exhibits must be pre-labeled. Government exhibits shall be designated numerically; defense exhibits will proceed alphabetically.
10. **TRANSCRIPTS:** If any party seeks to introduce transcript(s) at the trial, that party shall exchange those transcript(s) with all counsel no later than **fourteen days before the Calendar Call**. If a transcript cannot be agreed

upon, each party shall be prepared to produce its own version for the trier of fact.

11. **JENCKS:** The Government must turn over to defense counsel all Jencks Act material **by the day of the Calendar Call**. See 18 U.S.C. § 3500.
12. **INTERPRETERS:** **Upon receipt of this Order**, counsel for each defendant shall e-mail the Court's Courtroom Deputy to advise whether that defendant requires the aid of an interpreter. In addition, all parties must notify the Court, at least **five days before any hearings or trial**, if an interpreter is required.
13. **IN CUSTODY DEFENDANTS:** At least **seven days before the scheduled trial date**, defense counsel must arrange with the Bureau of Prisons to have appropriate clothing for their in-custody clients.
14. **SPEEDY TRIAL REPORTS:** The parties shall comply with Local Rule 88.5, which requires the filing of speedy trial reports **every twenty days hereafter until the time of trial or plea**.
15. **GUILTY PLEAS:** The deadline to contact the Court's Courtroom Deputy for the purpose of scheduling a guilty plea is **five days before the Calendar Call**. See, e.g., *United States v. Gamboa*, 166 F.3d 1327, 1331 (11th Cir. 1999) (citing *United States v. Ellis*, 547 F.2d 863, 868 (5th Cir. 1977)). **Three days before the change of plea hearing**, Government counsel shall submit in one PDF (via email to becerra@flsd.uscourts.gov and with copy to counsel for Defendant) the following: (1) the Plea Agreement (or advise if there is no agreement); (2) the Factual Proffer; and (3) a document outlining the elements of, and the maximum penalties for, the offense(s) to which Defendant seeks to plead guilty. The document outlining the maximum penalties shall include the maximum fines, the maximum time of supervised release, and whether forfeiture or restitution are applicable for the offense(s).
16. **PROPOSED ORDERS:** Local Rule 7.1(a)(2) requires that certain motions be accompanied by proposed orders, which must be filed as attachments to those motions. Furthermore, pursuant to CM/ECF administrative

procedures, proposed orders shall be submitted via e-mail, in Word format, to becerra@flsd.uscourts.gov.

DONE AND ORDERED in Miami, Florida on March 13, 2024.

A handwritten signature in blue ink, appearing to read 'JB', is positioned above a horizontal line.

JACQUELINE BECERRA
UNITED STATES DISTRICT JUDGE